EXPLANATORY NOTE

(This Note is not part of the Rules but is intended to indicate their general purport.)

These Rules prescribe the procedure to be followed on an application to the court under Part I of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, or under section 25 of that Act, whether by a creditor who wishes to obtain leave to enforce a judgment, or a remedy such as the levying of distress, against a service man performing service of a type to which the Act applies, or by a person claiming protection on the ground that he has been financially affected by the service man's call-up. Part II of the Rules defines the appropriate court to which applications should be made, while Part III prescribes the procedure on applications to the High Court and Parts IV and V on applications to the county court and courts of summary jurisdiction. The courts will have power to allow notice of a creditor's application to be delivered to a person who appears to have been entrusted with the management of the service man's affairs in his absence and to hear representations made by such person on behalf of the service man. Applications may be heard in private if the court so directs and the court may admit letters and other documents in evidence.

The Reserve and Auxiliary Forces (Protection of Civil Interests) (Business Premises) Regulations, 1951

1951 No. 1402

Made - - - -	*2nd August*, 1951
Coming into Operation	*2nd August*, 1951

I, William Allen, Viscount Jowitt, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by subsection (2) of section 29 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(a), and all other powers enabling me in this behalf, hereby make the following Regulations:—

1. These Regulations may be cited as the Reserve and Auxiliary Forces (Protection of Civil Interests) (Business Premises) Regulations, 1951, and shall come into operation forthwith.

2. The Interpretation Act, 1889(b), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. A notice served by a landlord on a tenant under subsection (2) of section 29 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, requiring the tenant to elect whether or not to apply for the grant of a new tenancy, shall be in the form, and shall contain the particulars, specified in the Schedule to these Regulations.

Dated the second day of August, 1951.

Jowitt, C.

(a) 14 & 15 Geo. 6. c. 65. (b) 52 & 53 Vict. c. 63.

SCHEDULE

Form of Notice to Elect

RESERVE AND AUXILIARY FORCES (PROTECTION OF CIVIL INTERESTS) ACT, 1951

NOTICE TO TENANT TO ELECT WHETHER TO APPLY FOR A NEW TENANCY

To of

In the County of (Tenant)

TAKE NOTICE that under s. 29 (2) of the above-mentioned Act I require you, as tenant of the premises known as under a tenancy expiring on the day of , to elect within one month after this notice is served on you whether or not to make an application to the Court under Part III of the said Act for the grant of a new tenancy.

YOUR ATTENTION is called to the NOTES below.

*This Notice may be signed on behalf of the landlord by his solicitor or agent.

(Signed) ..... (Landlord)*

..... (Address)

.....

NOTES

1. Part III of the Act enables a tenant of premises in which a business or professional practice is being carried on to apply to the County Court for a new tenancy if—

(*a*) the proprietor of the business or practice is a person who, immediately before beginning a period of service to which the Act applies, other than a "short period of training" (i.e. a period of less than three months), was the "working proprietor", and

(*b*) the tenancy comes to an end during the period of service or within two months thereafter.

2. On an application being made to it, the Court may, if in all the circumstances of the case it appears reasonable so to do, order the grant of a new tenancy. If it does so, it will fix such period (not exceeding four months from the end of the period of service in consequence of which the application is made) and such other terms and conditions, including rent, as it thinks reasonable.

3. The Court has no power to order the grant of a new tenancy if it is satisfied—

(*a*) that the tenant has broken any of the terms or conditions of the expiring tenancy, and that in view of the nature and circumstances of the breach a new tenancy ought not to be granted; or

(*b*) that the landlord has offered to afford to the tenant, on terms and conditions which in the opinion of the Court are reasonable, alternative accommodation which, in the opinion of the Court, is suitable for the purposes of the tenant's business or practice; or

(*c*) that the landlord reasonably requires possession in order that the premises, the subject of the expiring tenancy, or a substantial part of those premises, may be demolished or reconstructed; or

(*d*) where there subsists in the premises an interest belonging to a public authority, that in the public interest a new tenancy ought not to be granted; or

(*e*) that having regard to all the circumstances of the case greater hardship would be caused by ordering the grant of a new tenancy than by refusing to do so.

4. If the business or practice is being carried on in a separate part of the premises, any new tenancy granted by the Court will normally be of that part only unless the landlord requires it to be a tenancy of the whole premises. But if he does not, and the premises include—

(*a*) a separate part in which the business or practice is being carried on, and

(*b*) another separate part, consisting of living accommodation occupied by one or more dependants of the service man or by an employee of the business or practice,

then, if an application is made by the tenant, the new tenancy will be of both those parts unless the Court decides otherwise.

5. This notice has been served on you under section 29 (2) of the Act. This enables the landlord, at any time after the beginning of the period of service referred to in para. 1 and within four months before the tenancy is due to expire, to require the tenant to elect whether or not to make an application to the Court for the grant of a new tenancy. If you wish to do so, you must make your application to the County Court for the district in which your premises are situated not later than ONE MONTH after this notice is served on you. If you do not do so by then, you will have no right to do so later unless the Court, on application made to it, decides that you had adequate reasons for not making the application within this time. If you do not want a renewal of your tenancy, you need take no action on receiving this notice.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to explain their general purport.)

These Regulations prescribe the form of notice which may be served by a landlord on his tenant under s. 29 (2) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, requiring the tenant to elect whether or not to apply for a new tenancy under Part III of the Act.

The Reserve and Auxiliary Forces (Protection of Friendly Society Life Policies) Regulations, 1951

1951 No. 1408

Made - - - -	*2nd August*, 1951
Laid before Parliament	*2nd August*, 1951
Coming into Operation	*4th August*, 1951

With the approval of the Treasury, the Chief Registrar of Friendly Societies in pursuance of subsection (4) of section 57 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**a**), and of all other powers enabling him in that behalf, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Reserve and Auxiliary Forces (Protection of Friendly Society Life Policies) Regulations, 1951, and shall come into operation on the 4th day of August, 1951.

(a) 14 & 15 Geo. 6. c. 65.